

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PETER CARLAFTES,

Plaintiff,

- against -

**COMPLAINT and
JURY DEMAND**

BEVAPER TRUCKING SERVICES, LLC,

Defendant.

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Plaintiff, PETER CARLAFTES, by her attorney, Anthony John Messina, as and for his Complaint, alleges as follows:

I.

FIRST: Jurisdiction is based upon diversity of citizenship and the amount in controversy. Plaintiff, PETER CARLAFTES, is an adult resident citizen of the State of Connecticut, County of Fairfield; the Defendant, BEVAPOR TRUCKING SERVICES LLC, is a corporation, with its principal place of business at 738 Reading Avenue, Floor 2, West Reading, PENNSYLVANIA. The matter herein in controversy exceeds the sum of \$75,000.00. The incident occurred on the TAPPAN ZEE BRIDGE wholly located within the State of New York. Any filing delay of this matter has been related to COVID issues causing delay herein.

II.

SECOND: At all times hereinafter mentioned, Defendant, BEVAPOR TRUCKING SERVICES LLC, was a common carrier by air, operating trucks for the transportation of merchandise, chattel, goods and products, inventories including but not limited to fresh produce, paper products, general freight and beverages.

THIRD: On or about February 7, 2018, Plaintiff, PETER CARLAFTES, was a motorist operating his motor vehicle on the TAPPAN ZEE BRIDGE spanning between Rockland County, New York and Westchester County, New York, crossing the Hudson River when a 2005 KW Tractor Trailer operated by the Defendant, BEVAPOR TRUCKING SERVICES LLC, the Defendant, and BEVAPOR TRUCKING SERVICES LLC, acting through its agents, servants, employees and/or drivers carelessly and negligently operated said truck causing the truck to strike Plaintiff, PETER CARLAFTES' vehicle while he was proceeding lawful and safely across the TAPPAN ZEE BRIDGE, thereby subjecting the Plaintiff, PETER CARLAFTES, to violent forces, causing personal injuries hereinafter described.

FOURTH: At the time of the aforesaid occurrence, the truck was under the possession, control and management of Defendant, BEVAPOR TRUCKING SERVICES LLC, acting through its agents, servants, employees and/or drivers.

FIFTH: As a result of the negligence and carelessness of Defendant, BEVAPOR TRUCKING SERVICES LLC, Plaintiff, PETER CARLAFTES, sustained severe and permanent injuries to his body consisting of, but not limited to:

- Grade 3 splenic laceration with active contrast extravasation requiring surgery
- Nondisp fracture of lateral aspect of L 8th rib
- Hemoperitoneum (internal bleeding)
- Neck, shoulder and back pain
- Pain to chest, Left side, B shoulder
- Suprapubic upon urination
- Back pain
- Persistent abdominal pain
- Diffuse tenderness over right and left U quadrants
- Pain sitting or moving
- Difficulty urinating
- Splenic laceration
- Dizziness
- Limited range of motion with multiple trigger points
- Nerve damage
- Chronic pain
- Cervical whiplash injury

- Exacerbation of TMJ syndrome due to trauma
- Headaches
- Dizziness
- Diffuse right shoulder girdle musculature weakness
- Interosseous muscle strength weakness in upper extremity

III.

SIXTH: Plaintiff repeats the allegations of paragraphs numbered FIRST through FOURTH of the Complaint as if fully set forth herein. Defendant, BEVAPOR TRUCKING SERVICES LLC, as a result of the aforesaid negligence and carelessness violated the Vehicle and Traffic Law of the State of New York, including but not limited to, failing to maintain a reasonable and prudent speed for the existing weather and road conditions, failing to properly yield the right of way, failing to use reasonable and necessary prudence in operation of the truck under then existing weather and road conditions. Plaintiff, PETER CARLAFTES, repeats the allegations of paragraph numbered FIFTH of the Complaint the same as if fully set forth herein.

IV.

SEVENTH: At all times hereinafter mentioned, Defendant, BEVAPOR TRUCKING SERVICES LLC, was a common carrier operating transport trucking services for hire.

EIGHTH: On or about February 7, 2018, Plaintiff, PETER CARLAFTES, was a motorist operating his motor vehicle on the TAPPAN ZEE BRIDGE spanning between Rockland County, New York and Westchester County, New York, crossing the Hudson River when a 2005 KW Tractor Trailer operated by the Defendant, BEVAPOR TRUCKING SERVICES LLC, the Defendant, and BEVAPOR TRUCKING SERVICES LLC, acting through its agents, servants, employees and/or drivers carelessly and negligently operated said truck causing the truck to strike Plaintiff, PETER CARLAFTES' vehicle while he was proceeding lawfully and safely across the TAPPAN ZEE BRIDGE, thereby subjecting the Plaintiff, PETER CARLAFTES, to violent forces,

causing personal injuries hereinafter described as well as subjecting him to violent forces, causing personal injuries hereinafter described.

NINTH: At the time of the aforesaid occurrence, the truck was under the possession, control and management of Defendant, BEVAPOR TRUCKING SERVICES LLC, acting through its agents, servants, employees and/or drivers.

TENTH: As a result of the negligence and carelessness of Defendant, BEVAPOR TRUCKING SERVICES LLC, Plaintiff, PETER CARLAFTES, sustained severe and permanent injuries to her body, consisting of, but not limited to:

- Grade 3 splenic laceration with active contrast extravasation requiring surgery
- Nondisp fracture of lateral aspect of L 8th rib
- Hemoperitoneum (internal bleeding)
- Neck, shoulder and back pain
- Pain to chest, Left side, B shoulder
- Suprapubic upon urination
- Back pain
- Persistent abdominal pain
- Diffuse tenderness over right and left U quadrants
- Pain sitting or moving
- Difficulty urinating
- Splenic laceration
- Dizziness
- Limited range of motion with multiple trigger points
- Nerve damage
- Chronic pain
- Cervical whiplash injury
- Exacerbation of TMJ syndrome due to trauma
- Headaches
- Dizziness
- Diffuse right shoulder girdle musculature weakness
- Interosseous muscle strength weakness in upper extremity

V.

ELEVENTH: Plaintiff repeats the allegations of paragraphs numbered FIRST through NINTH of the Complaint, as if fully set forth herein. Defendant,

BEVAPOR TRUCKING SERVICES LLC, as a result of the aforesaid negligence and carelessness, violated the Vehicle and Traffic Law of the State of New York, including but not limited to, failing to maintain a reasonable and prudent speed for the existing weather and road conditions, failing to properly yield the right of way, failing to use reasonable and necessary prudence in operation of the truck under then existing weather and road conditions. Plaintiff, PETER CARLAFTES, repeats the allegations of paragraph numbered TENTH of the Complaint the same as if fully set forth herein.

WHEREFORE, Plaintiff, PETER CARLAFTES, demands judgment against:

1. Defendant, BEVAPOR TRUCKING SERVICES LLC, in the sum of One Million Dollars (\$1,000,000.00) plus costs.
2. Defendant, BEVAPOR TRUCKING SERVICES LLC, in the sum of One Million Dollars (\$1,000,000.00), plus costs.

DATED: Katonah, New York
August 16, 2021



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